

November 15, 2004

Dale Bosworth, Chief
c/o Content Analysis Team
Attn: Roadless State Petitions
USDA Forest Service
P.O. Box 221090,
Salt Lake City, UT 84122

Dear Chief Bosworth:

Thank you for the opportunity to comment on the agency's proposed roadless rule.

As a threshold matter, I do not see the need for this rule. The Federal District Court for the District of Wyoming has struck down the Clinton roadless rule and the federal government has implicitly agreed with this position by not perfecting an appeal to the 10th Circuit.

Since the Forest Service roadless rule was first proposed in July 2004, I have worked to understand the benefit of the rule to the residents of Wyoming. In discussing the rule with county commissioners, state legislators, conservation members, industry owners, recreationists and sportsmen there are mixed opinions on both this rule and the original Clinton rule. As a legal and practical matter, I do not believe either rule is good policy or good law.

As a practical matter, I do not see the proposed roadless rule as a viable way to address management or protection of roadless areas. The proposed roadless rule is a cosmetic attempt to shift the Forest Service's responsibility for land use planning to the state -- without shifting any authority or funding to see the plans implemented.

As a result, I remain convinced that the best process to develop management of roadless areas is through the existing forest plan revision/amendment process. For instance, in existing processes:

- A governor can petition the Forest Service to have an area managed differently.
- A governor can hold public hearings to determine the public's thoughts and concerns about management direction.

- A governor can still submit research as to the resources affected by any land management decision.

After several weeks exploring the advantages and disadvantages of the proposed roadless rule, it appears to me that the current forest-planning process affords some deference to state and local interests in providing comments and preferences on roadless management direction -- without the Forest Service having to create a completely new rule.

Further, National Environmental Policy Act regulations and an August 26, 2004 Presidential Executive Order, which focuses on cooperative conservation, provide additional emphasis on state and local involvement under existing laws and regulations. The presidential order states: "The purpose of this order is to ensure that the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decision-making, in accordance with their respective agency missions, policies, and regulations."

Additionally, while the current forest-planning process is sufficient for providing opportunities for state and local interests to be represented, the new rule would be disadvantageous to our state. Wyoming does not have the fiscal or technical resources to drive the public involvement needed to adequately complete the roadless review. The notion that Wyoming can review every Forest Service Plan and develop petitions in less than 1,000 man hours is absurd.

Finally, I do not believe that the rule affords necessary flexibility for future governors. By my reading of the rule, it appears that there is a single 18-month window in which governors can petition the Forest Service for roadless designations. Understanding the ever-changing nature and usage of Wyoming's national forests, I do not think it prudent to fix the State's position, relative to roadless, based on a single governor's perceptions from 2004.

Thank you for the opportunity to comment. The state of Wyoming looks forward to future discussions on forest planning for roaded and roadless areas.

Best regards,

Dave Freudenthal
Governor

DF:mf